

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PHILIP R. THRIFT AND
CHARLES T. HEMPHILL

Appeal No. 1998-1109
Application 08/419,229

ORDER REMANDING TO EXAMINER

MAILED

MAY 23 2000

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

A review of the official record reveals that on March 27, 1997, the examiner mailed a Final Rejection (Paper No. 7) in this application. The examiner stated on page 2 of the Final Rejection under the heading "**CLAIM REJECTIONS - 35 USC § 103**" that:

2. Claims 1-19 are rejected under 35 U.S.C § 103 as being unpatentable over Stefanopoulos et al. (5,333,237) and in view of Schmandt et al., ("Augmenting a Window System with Speech Input", Computer Magazine, 8/90, Vol. 23, Issue 8, pages 50-56].

Applicants timely filed their Notice of Appeal (Paper No. 10, filed July 7, 1997) and subsequently an Appeal Brief (Paper No. 11, filed September 9, 1997), which on page 3, Section VIII, addressed this rejection.

Appeal No. 1998-1109
Application No. 08/419,229

The examiner mailed his Examiner's Answer (Paper 12) on November 13, 1997. Page 4 of this Answer reveals under Section (11) the grounds of rejection as set forth in the Final Rejection (Paper No. 7) and pages 5 through 8 indicate his response to the appellants' arguments in their Appeal Brief (Paper No. 11). In the Examiner's Answer (Paper No. 12), on pages 8 and 9 under Section (14), a "**Period of Response to New Ground of Rejection**" is listed giving appellants "a period of TWO MONTHS from the mailing date of this examiner's answer within which to file a reply to such new ground of rejection. . . . Failure to respond to the new ground of rejection will result in dismissal of the appeal of the claims so rejected." Clarification is required concerning the new grounds of rejection.

Accordingly, it is


ORDERED that the application is remanded to the examiner for clarification of the new grounds of rejection indicated on pages 8 and 9 under Section (14) of the Examiner's Answer (Paper No. 12 mailed November 13, 1997), and for such further action as may be appropriate.

Appeal No. 1998-1109
Application No. 08/419,229

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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Appeal No. 1998-1109
Application No. 08/419,229

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